

## 2018 Current Fiscal Year Report: Regulations and Procedures Technical Advisory Committee

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### 1. Department or Agency

Department of Commerce

### 2. Fiscal Year

2018

### 3. Committee or Subcommittee

Regulations and Procedures Technical Advisory Committee

### 3b. GSA Committee No.

189

### 4. Is this New During Fiscal Year?

No

### 5. Current Charter

08/16/2018

### 6. Expected Renewal Date

08/16/2020

### 7. Expected Term Date

### 8a. Was Terminated During Fiscal Year?

No

### 8b. Specific Termination Authority

No

### 8c. Actual Term Date

Not Applicable

### 9. Agency Recommendation for Next Fiscal Year

Continue

### 10a. Legislation Req to Terminate?

No

### 10b. Legislation Pending?

Not Applicable

### 11. Establishment Authority Statutory (Congress Created)

### 12. Specific Establishment Authority

Section 1754 of the Export Controls Act of 2018 (the Act) (Pub. L. 115-232, 132 Stat. 1636)

### 13. Effective Date

07/12/1985

### 14. Committee Type

Continuing

### 14c. Presidential?

No

### 15. Description of Committee Scientific Technical Program Advisory Board

### 16a. Total Number of Reports

No Reports for this Fiscal Year

### 17a. Open Meetings 0 17b. Closed Meetings 0 17c. Partially Closed Meetings 4 17d. Total Meetings and Dates 4

Purpose	Start	End
Presentation of Papers by the Public: "Two for one" rule, Updates on Regulations, AES/ACE, and AEI pilot and Option 4 replacement.	12/12/2017	12/12/2017
Presentation on South Sudan, Working group reports, Updates on Regulations, AES/ACE, and AEI pilot and Option 4 replacement.	04/17/2018	04/17/2018
Updates on Regulations, AES/ACE, AEI pilot and Option 4 replacement and Working Group Reports.	06/12/2018	06/12/2018
Presentation on the Meaning of "CBW", Updates on DDTC IT Modernization. Regulations, AES and Working Group Reports. Discussion on Notice of Inquiry on eWaste.	09/25/2018	09/25/2018

### Number of Committee Meetings Listed: 4

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00

<b>18a(3). Personnel Pmts to Federal Staff</b>	\$37,430.00	\$37,430.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$4,340.00	\$4,340.00
<b>18d. Total</b>	\$41,770.00	\$41,770.00
<b>19. Federal Staff Support Years (FTE)</b>	0.30	0.30

## **20a. How does the Committee accomplish its purpose?**

In FY2018, the Regulations and Procedures Technical Advisory Committee (RPTAC) continued to work primarily through its existing work groups. The current work groups are: Compliance and Enforcement Work Group; the Encryption Work Group; the Multilateral Controls Work Group; the Practices and Procedures Work Group, Technology Controls Work Group, the Export Clearance and Automated Export System and Military Controls Group. The work of the Committee during FY2018 included providing comments on pending and proposed regulations and Bureau of Industry and Security (BIS) initiatives, advancing proposals for improving the efficiency and effectiveness of various procedures and meeting with members of the BIS management team to provide briefings on a number of issues before the RPTAC. The RPTAC's key accomplishments included comments and recommendations concerning the following initiatives, regulations, and topics (letters and e-mails to US Government officials referenced where applicable): The work of the Committee during FY2017 included providing comments on pending and proposed regulations and Bureau of Industry and Security (BIS) initiatives, advancing proposals for improving the efficiency and effectiveness of various procedures and meeting with members of the BIS management team to provide briefings on a number of issues before the RPTAC. The RPTAC's key accomplishments included comments and recommendations concerning the following initiatives, regulations, and topics (letters and e-mails to US Government officials referenced where applicable): RIN 0694-AH46 Revisions to the Export Administration Regulations Based on the 2017 Missile Technology Control Regime Plenary Agreements (December 2017). RIN 0694-AH37 Implementation of the February 2017 Australia Group (AG) Intersessional Decisions and the June 2017 AG Plenary Understandings (December 2017). RIN 0694-AH44 Wassenaar 2017 Plenary Agreements Implementation (January 2018). RIN 0694-AH53 – Proposed Expansion of Export, Reexport, and Transfer (in-Country) Controls for Military End Use or Military End Users in the People's Republic of China, Russia, or Venezuela. RPTAC proposal for an intra-company technology transfer license exception (first presented in closed session on April 17, 2017, with further refinements of concept

presented in closed session on June 12, 2017. RPTAC provided testers for SNAP-R changes (April 2017). RIN 0694-AH56 Information Security Controls – Cybersecurity items of July 27, 2018. RIN 0694-AHXX Request for public comments on foreign disposition of certain U.S. commodities (e-waste NOI) (August 2018). RIN 0694-AHXX Revisions to the EAR: Control of Military Electronic Equipment or other items the President determines no longer warrant controls; correction of August 27, 2018. RIN 0694-AF67 Delegation of License Requirements Determination and Licensing Responsibilities in a Routed Export Transaction of August 22, 2018 and August 28, 2018. RIN 0694-AH52 ANPR Review of Certain Technology Transfers of September 7, 2018. In addition, the RPTAC provided feedback on the following topics in closed session at quarterly RPTAC meetings: Wassenaar negotiations on revisions to intrusion software and technology controls. Sudan sanctions, consumer products definition as pertains to mass market encryption. Treatment of Entity List affiliates. Reporting of controlled items via AES. AES Post-departure filing. Routed Export Transactions and E-waste Notice of Inquiry. Plans for FY 2019 will focus on continuation of the established work groups and their respective initiatives. During FY 2019 the full committee plans to meet in December 2018 and in March, June, and September 2019 (specific dates to be determined at the December 2018 meeting). Work groups will continue to meet between the full committee meetings as needed in order to further their objectives and to provide timely comments, recommendations, and proposals to BIS. In FY 2019, the RPTAC will continue to provide timely input on BIS draft regulations and initiatives, as well as RPTAC proposals including but not limited to those provided to the new leadership at the September 12, 2017 meeting. In FY 2019, the RPTAC also looks forward to supporting BIS in developing regulatory implementation mechanisms related to the Emerging Technologies List.

**20b. How does the Committee balance its membership?**

The RPTAC is composed of industry representatives, and U.S. Government agencies with specific technical or export control expertise in the area of export control administration. Individuals from large and small firms throughout the U.S. are represented on the Committee.

**20c. How frequent and relevant are the Committee Meetings?**

The RPTAC met four times in FY 2018. The meetings allow the RPTAC to advise on the implementation and administration of current export control initiatives.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The RPTAC provides the Department with technically qualified individuals possessing a broad range of expertise in the area of export control administration. There are no other

known sources within the Government that reflect this depth and range of expertise.

## **20e. Why is it necessary to close and/or partially closed committee meetings?**

Closed sessions are held to allow for discussion of information classified for reasons of national security, information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, or information of a commercial or financial nature that is privileged or confidential.

## **21. Remarks**

Authorized by the Export Administration Act of 1979 (50 U.S.C. app. 2401-2420) as amended by the Export Administration Amendments Act of 1985, P.L. 99-64, 99 Stat. 120 (July 12, 1985). Although the Export Administration Act of 1979 (EAA), as amended, has expired, its provisions and those of the Export Administration Regulations were continued in effect, and to the extent permitted by law, when the President by Executive Order invoked the International Emergency Economic Powers Act.

## **Designated Federal Officer**

Hillary Hess DFO

<b>Committee Members</b>	<b>Start</b>	<b>End</b>	<b>Occupation</b>	<b>Member Designation</b>
Bartlett, James	02/11/2014	02/11/2018	Full Circle Compliance	Representative Member
Braumiller, Adrienne	12/07/2012	05/02/2021	Braumiller Schulz LLP	Representative Member
Brotherton, Steven	12/07/2012	05/02/2021	Fragomen, Del Rey, Bernsen & Loewy, LLP	Representative Member
Dombek, Curtis	02/11/2014	01/12/2021	Sheppard, Mullin, Richter and Hampton LLP	Representative Member
Farrell, Dennis	01/22/2013	05/02/2021	Analog Devices, Inc.	Representative Member
Fuchs, Carol	02/11/2014	02/11/2018	General Electric Company	Representative Member
Gamble, Janelle	02/11/2014	10/11/2022	The Boeing Company	Representative Member
Gebeau, Kathleen	02/11/2014	02/11/2018	Qualcomm, Inc.	Representative Member
Huffman, Jeremy	02/11/2014	07/25/2022	Huffman Riley Kao PLLC	Representative Member
Kilpatrick, W.	01/04/2016	01/04/2020	Texas Instruments Inc.	Representative Member
LaBonte', Naomi	12/07/2012	05/02/2021	Proven Logistics Solutions, Inc.	Representative Member
Levine, David	02/11/2014	02/11/2018	McDermott Will and Emery	Representative Member
Martin, Neil	02/11/2014	02/11/2018	Google, Inc.	Representative Member
Melchers, Keith	09/14/2017	09/14/2021	Hewlett-Packard Company, Inc.	Representative Member
Molinari, Laura	09/02/2015	09/02/2019	General Electric	Representative Member
Murphy, Karen	10/01/2009	05/06/2018	Applied Materials, Inc.,	Representative Member
Pasco, Brandt	02/11/2014	02/11/2018	Kaye Scholer LLP	Representative Member
Rittener, Jeffrey	09/14/2016	09/14/2020	Intel Corporation	Representative Member
Schuettler, Robert	02/11/2014	02/11/2018	Techsystems, Inc.	Representative Member
Tier, John	09/14/2016	09/14/2020	Valcor Engineering Corporation	Representative Member

**Number of Committee Members Listed: 20**

## **Narrative Description**

The Regulations and Procedures Technical Advisory Committee provides advice on implementational issues related to compliance with the Export Administration Regulations. For the large, established firm as well as the small business hoping to market overseas

for the first time, the Committee is a valuable forum for addressing a range of concerns regarding the export of dual-use items.

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

- |   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input type="checkbox"/>            |
| Trust in government                               | <input type="checkbox"/>            |
| Major policy changes                              | <input type="checkbox"/>            |
| Advance in scientific research                    | <input type="checkbox"/>            |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input type="checkbox"/>            |
| Increased customer satisfaction                   | <input type="checkbox"/>            |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other   | <input type="checkbox"/>            |

**Outcome Comments**

NA

**What are the cost savings associated with this committee?**

Checked if Applies

- |                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input type="checkbox"/>            |
| Unable to Determine        | <input checked="" type="checkbox"/> |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

**Cost Savings Comments**

NA

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

35

**Number of Recommendations Comments**

The Committee met four times in FY 18. There were two recommendations in FY18.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

34%

**% of Recommendations Fully Implemented Comments**

NA

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

49%

**% of Recommendations Partially Implemented Comments**

NA

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

### **Agency Feedback Comments**

The agency includes the Regulations and Procedures Technical Advisory Committee in the process of updating and clarifying the text of the Export Administration Regulations.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

### **Action Comments**

NA

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

N/A